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D PETER HOCHBERG CO LPA

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## CERTIFICATION OF FACSIMILE TRANSMISSION

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Jan 6, 2004  
Date

Kuini Hotchkiss  
Kuini Hotchkiss

Attorney File: XX0163US.CIP (#90575)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Christopher E. Milliken, Michael A. Petrik, Robert C. Ruhl

Serial No. 10/671,902

Group No.

Filed: September 25, 2003

Examiner:

For: SOLID OXIDE FUEL CELL STACK ASSEMBLY HAVING TAPERED DIFFUSION LAYERS

Assistant Commissioner of Patents  
Office of Initial Patent Examination  
Customer Service Center  
Washington, D.C. 20231

## REQUEST FOR CORRECTED FILING RECEIPT

1. Attached is a copy of the official filing receipt received from the Patent and Trademark Office in the above application for which issuance of a corrected filing receipt is respectfully requested.

2. There is an error in that the following data is:

( ) incorrectly entered  
and/or

(X) omitted

( ) Applicant's name

(X) Domestic Priority data as claimed by applicant

( ) Applicant's address

( ) Title

( ) Filing Date

2a.

**CERTIFICATION OF FACSIMILE TRANSMISSION**

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Facsimile No.: (703) 746-9195

Jan 6, 2004  
Date

Kathi Hotchkiss  
Kathi Hotchkiss

Attorney File: XX0163US.CIP (#90575)

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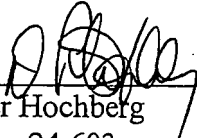
☐ Title

☐ Filing Date

- ☐ Serial No.
- ☐ Foreign/PCT Application Reference
- ☐ Other

in that the filing receipt should read as follows: Please add the following in "Domestic Priority..."

--and claims benefit of 60/413,858 filed 9-26-2002--

  
\_\_\_\_\_  
D. Peter Hochberg  
Reg. No. 24,603

Att.: Copy of Filing Receipt

D. Peter Hochberg Co., L.P.A.  
The Baker Building  
1940 East 6th Street, Sixth Floor  
Cleveland, Ohio 44114  
(216) 771-3800



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/671,902	09/25/2003	1746	375	XX0163US.CIP (#90575)	4	18	3

CONFIRMATION NO. 8026

28672

D. PETER HOCHBERG CO. L.P.A.  
1940 EAST 6TH STREET  
CLEVELAND, OH 44114

work  
copy

FILING RECEIPT



\*OC000000011512875\*

Date Mailed: 12/17/2003

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt-Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Christopher E. Milliken, Highland Heights, OH;  
Michael A. Petrik, Highland Heights, OH;  
Robert C. Ruhl, Cleveland Heights, OH;

## Domestic Priority data as claimed by applicant

This application is a CIP of 09/992,272 11/14/2001  
which claims benefit of 60/249,098 11/15/2000

and claims benefit of  
60/413,858 filed 9.26.2003

## Foreign Applications

If Required, Foreign Filing License Granted: 12/16/2003

Projected Publication Date: 03/25/2004

Non-Publication Request: No

Early Publication Request: No

\*\* SMALL ENTITY \*\*

## Title

Solid oxide fuel cell stack assembly having tapered diffusion layers

Id.



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, DC 20231  
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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/671,902	09/25/2003	Christopher E. Milliken	XX0163US.CIP (#90575)

CONFIRMATION NO. 8026

28672  
D. PETER HOCHBERG CO. L.P.A.  
1940 EAST 6TH STREET  
CLEVELAND, OH 44114



\*OC000000011721594\*

Date Mailed: 01/20/2004

RESPONSE TO REQUEST FOR CORRECTED FILING RECEIPT

Domestic Continuity and Foreign Priority

In response to your request for a corrected Filing Receipt, the Office is unable to comply with the request because:

- ☐ The priority or continuity claim has not been entered because it was not filed during the required time period. Applicant may wish to consider filing a petition to accept an unintentionally delayed claim for priority. See 37 CFR 1.55 or 1.78.
- ☐ Continuity claimed under 35 U.S.C. § 120 cannot be added to the Filing Receipt without the applicant supplying the relationship (continuation, divisional, or continuation-in-part) in an Application Data Sheet or amendment to the first page of the specification.
- ☒ A claim for priority cannot be made based on an application filed after the application making the claim. 60/413,858 filing date 09/26/2002
- ☐ Domestic benefit and foreign priority claims will not be captured in a provisional application. A provisional application is not entitled to a right of priority or to the benefit of an earlier filing date of any other application. See 35 U.S.C. § 111(b)(7) and 37 CFR 1.53(c)(4).
- ☐ A domestic continuity claim cannot be made to a foreign application and the filing receipt will only list the foreign country, application number, and filing date.
- ☐ Foreign priority will appear on the Filing Receipt in the following order:  
**Country, Application number, Filing date.**
- ☐ This application is the result of a conversion from a provisional application. Priority based on such application cannot be made since it no longer exists as a provisional application.
- ☐ The application(s) to which priority is claimed were filed over a year prior to the filing date of this application. Therefore, the referenced application(s) cannot be claimed as domestic or

3a.

— foreign priority.

☐ To change the benefit claim of a U.S. prior-filed application, applicant must amend the first sentence of the specification (if the benefit claim is referenced in the specification), or provide a supplemental application data sheet (ADS) (if the benefit claim was submitted in an ADS), with the desired benefit claim. Note that once a benefit claim is deleted, applicant will not be able to claim such prior-filed application again, if the above-identified application was filed on or after November 29, 2000.

☐ To change a foreign priority claim, applicant must submit a supplemental oath or declaration (if the priority claim is referenced in the oath or declaration), or a supplemental application data sheet (ADS) (if the priority claim was submitted in an ADS), with the desired priority claim. If a supplemental ADS is submitted, any deletions should be shown with strikeouts. Note that once a priority claim is deleted, applicant will not be able to claim such foreign application again, if the above-identified application was filed on or after November 29, 2000.

Harmanet Tegbaru

Customer Service Center

Office of Initial Patent Examination

(703) 308-1202

36.

NAME: D PETER HOCHBERG CO LPA  
 TEL : 216 771 3804  
 DATE: 02/12/04 14:50

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TYPE: MEMORY TX	MODE	E-144	02'22	08	606	OK

## FACSIMILE TRANSMISSION SHEET

**D. PETER HOCHBERG CO., L.P.A.**  
**ATTORNEYS AT LAW**  
**THE BAKER BUILDING - 6TH FLOOR**  
**1940 EAST 6TH STREET**  
**CLEVELAND, OHIO 44114**  
 e-mail: [dphochberg@aol.com](mailto:dphochberg@aol.com)

Telephone: (216) 771-3800 / Facsimile: (216) 771-3804

TO: Ms. Valerie Kinard - OIPE

FAX NO: 1 (703) 308-7749

FROM: Christine Kotran for D. Peter Hochberg Co., L.P.A.

DATE February 12, 2004

NUMBER OF PAGES (INCLUDING THIS COVER SHEET): 8

MESSAGE: Milliken et al. U.S. Patent Appln. 10/671,902  
 Filed September 25, 2003  
 SOLID OXIDE FUEL CELL STACK ASSEMBLY  
 HAVING TAPERED DIFFUSION LAYERS  
 Our Ref. XX0163US.CIP (#90575)

In accordance with our telephone conversation this morning, I am faxing copies of the following documents:

- 1) Page 1 of the application as filed (note particularly the details of paragraph [00001])
- 2) Our "Request for Corrected Filing Receipt" faxed to the OIPE on January 6, 2004.
- 3) The "Auto-Reply Facsimile Transmission" acknowledgment of our Request
- 4) The "Response to Request for Corrected Filing Receipt Domestic Continuity and Foreign Priority" mailed on 01/20/2004 which denied our request for correction of the Filing Receipt with respect to the priority claim.

Item 4 above indicates, "A claim for priority cannot be made based on an application filed after the application making the claim, 60/413,858 filing date 09/26/2002." We believe this document was issued in error because the filing date of the application for which priority is claimed (i.e., 09/26/2002) is within a period of one-year before the filing date of 09/25/2003 of the present application claiming it as priority. Accordingly, it is respectfully requested that the issuance of the corrected filing receipt be expedited.

If you have any further questions concerning this matter, please telephone me.

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4

Date/Time: Oct.17. 2006 12:20PM

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E.2) Busy  
E.4) No facsimile connection

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D. PETER HINCHENK: CO., L.P.A.  
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**TO:** Fredrick J. Krum - Superintendent, Escondido, CA FAX NO: 1 (971) 173-1192

**FROM:** Chela Krasen for Dr. Peter Hochberg, Esq. **DATE:** October 17, 2006

NUMBER OF PAGES INCLUDING THE COVER SHEET: 9

MESSAGE: Run: Milburn et al USBY : 04671.902 01 of September 24, 2003

**SOLID OXIDE FUEL CELL STACK ASSEMBLY HAVING  
TAPERED DIFFUSION LAYERS** (Int. Ref. XXXIUS.CTP (69051))  
Assigned to **Osaka Gas Company, Limited**

Following our telephone conversation this morning, I am faxing copies of

1. The first page of the patent application as filed. N.D. the "Cross-Reference to Related Applications" in the priority claims.

2. (Pages 2a-d) One "Request for Corrected Filing Receipt" Dated January 6, 2004, with a UNPTO not-ready confirmation.

3. (Pages 3a-b) "Response to Request for Corrected Filing Receipt" indicating the claim for priority cannot be made based on an application filed after the application making the claim. 60413338 filing date 09/26/2002. - Actually, 60413338 filed 09/26/2002 is before the filing date of the application (10671903 filed 9/25/03) claiming it as one of the priority cases.

4. A copy of fax confirmation for an eight-page fax transmitted to Ms. Valerie Kinard of OIGM concerning the same matter and after discussing the issues with her on February 12, 2004, "We need to send you the same attachments as above ... just verification of the correspondence and another unsuccessful attempt to get a proper filing receipt for this case.")

Any help you can provide in speeding a Corrected Filing Receipt adding -- and which maintains the benefit of 60411328 dated 05/26/2012 -- will be appreciated. I would also appreciate your confirmation for me that the sources have been excluded to address this issue.

**THANK YOU FOR ANY HELP YOU CAN PROVIDE.**

## PERFORMANCE AND COMPETITIVENESS

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